



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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 THE NORTHWESTERN MUTUAL LIFE INSURANCE:  
 COMPANY, : 12 Civ. 2514 (PKC)(HBP)  
 Plaintiff, :  
 :  
 - against - :  
 :  
 STEVEN LITT and TRACY COPPLE-LITT, :  
 :  
 Defendants. :  
 ----- x

**DEFENDANT STEVEN LITT'S DEPOSITION DESIGNATIONS PURSUANT TO  
RULE 29 OF THE COMMERCIAL DIVISION OF THE SUPREME COURT**

Pursuant to Rule 29 of the Commercial Division of the Supreme, defendant Steven Litt hereby designates and submits the following deposition testimony for use at trial.

**Deposition of Gail C. Junemann conducted November 20, 2012**

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1 UNITED STATES DISTRICT COURT

2 SOUTHERN DISTRICT OF NEW YORK

3 THE NORTHWESTERN MUTUAL LIFE  
4 INSURANCE COMPANY,

5 Plaintiff,

6 vs. Case No. 12 Civ. 2514 (PKC) (HBP)

7 STEVEN LITT and  
8 TRACY COPPLE-LITT,

9 Defendants.

10  
11 Deposition of GAIL C. JUNEMANN

12 Tuesday, November 20, 2012

13 9:20 a.m.

14 at

15 Mallory & Zimmerman, S.C.  
16 731 North Jackson Street  
17 Milwaukee, Wisconsin

18  
19  
20  
21  
22  
23  
24  
25 Reported by Dawn M. Lahti, RPR/CRR

Deposition of Gail C. Junemann - November 20, 2012

Deposition of GAIL C. JUNEMANN, a witness  
in the above-entitled action, taken at the instance  
of the Defendants, pursuant to the Federal Rules of  
Civil Procedure, before Dawn M. Lahti, RPR,  
Certified Realtime Reporter, and Notary Public,  
State of Wisconsin, at 731 North Jackson Street,  
Milwaukee, Wisconsin, on the 20th day of November,  
2012, commencing at 9:20 a.m. and concluding at  
12:20 p.m.

## 10 | APPAREANCE:

NORTHWESTERN MUTUAL, by  
Mr. C. Claibourne Greene  
720 East Wisconsin Avenue  
Milwaukee, Wisconsin 53202  
Appeared on behalf of Plaintiff.

SATTERLEE STEPHENS BURKE & BURKE, LLP, by  
Mr. Walter A. Saurack  
230 Park Avenue, Suite 1130  
New York, New York 10169  
Appeared on behalf of Steven Litt.

LAW OFFICE OF RICHARD S. PESKIN, by  
Mr. Richard S. Peskin  
6 East 39th Street, 6th Floor  
New York, New York 10016  
Appeared on behalf of Tracy Copple-Litt.

## Deposition of Gail C. Junemann - November 20, 2012

## 1 EXAMINATION

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22 (Original exhibits retained by Attorney Saurack.  
 23 Copies of exhibits attached to Original transcript  
 24 and copies.)

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1 TRANSCRIPT OF PROCEEDINGS

2 GAIL C. JUNEMANN, called as a witness  
3 herein, having been first duly sworn on oath, was  
4 examined and testified as follows:

5 EXAMINATION

6 BY MR. SAURACK:

7 Q Good morning.

8 A Morning.

9 Q My name is Walter Saurack. I represent one of the  
10 defendants in the case, Steven Litt. I just have a  
11 few basic instructions I'd ask you to follow.

12 One is the court reporter is  
13 recording your testimony, so all of your answers  
14 have to be verbal, okay?

15 A (Nods.) Yes.

16 MR. PESKIN: It's a trick question.

17 BY MR. SAURACK:

18 Q And if you don't understand a question, please let  
19 me know, and I'll rephrase it, okay?

20 A Yes.

21 Q And if you don't understand a question because you  
22 can't hear it, let me know that as well.

23 A Yes.

24 Q If you need a break, just let us know. The only  
25 caveat on that is there can't be a break between a

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1 ~~question and answer, but otherwise just let us know~~  
2 ~~if you need a break, okay?~~

3 A Yes.

4 Q Please state your name for the record.

5 A Gail Junemann.

6 Q Where are you currently employed?

7 A Northwestern Mutual Life.

8 Q And how long have you been employed there?

9 A 18 years.

10 Q What's your current position at Northwestern?

11 A I'm a senior title specialist.

12 Q And what are your responsibilities in that role?

13 A The department is called -- the division is called  
14 Special Handling Research Center. In that area if  
15 you have assets with our company and are going  
16 through a legal situation, our team will take a  
17 look at your assets and how they affect -- how the  
18 document and other things affect your assets at  
19 Northwestern Mutual.

20 Q What kind of assets are you referring to?

21 A Like insurance assets.

22 Q And what other type of tasks do you perform in your  
23 capacity as a senior title specialist?

24 A We read title documents. We read lawsuits,  
25 divorces, bankruptcies, levies.

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1 Q ~~Do you have any underwriting responsibilities?~~

2 A No.

3 Q Are you charged with administering any policies or  
4 procedures at Northwestern?

5 A ~~Not usually.~~

6 Q Do you come -- do there come times when you review  
7 policies and procedures of Northwestern in  
8 connection with your reviews?

9 A Yes.

10 Q What other positions have you held at Northwestern?

11 A Customer service correspondent, customer service  
12 representative.

13 Q And what were your responsibilities in those roles?

14 A To correspond in writing to customers and to answer  
15 telephone calls.

16 Q And what types of inquiries generally were you  
17 responding to?

18 A Any kind of insurance questions, histories,  
19 payments.

20 Q In your current role, are you charged with  
21 investigating the facts in online disputes?

22 A Yes.

23 Q What types of disputes?

24 A Usually fraud, divorce.

25 Q And do you make recommendations based upon your

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1 investigation?

2 A Yes.

3 Q Who do you make the recommendations to?

4 A Our director.

5 Q And who's your director?

6 A Carol Stilwell, S-T-I-L-W-E-L-L.

7 Q And do you prepare reports concerning your  
8 findings?

9 A Yes.

10 Q How long have you worked in your current role?

11 A Since 1999.

12 Q Do you have any post high school education?

13 A Graduate of Marquette University.

14 Q And when did you graduate from there?

15 A 1993.

16 Q What was your degree in?

17 A Communications, public relations.

18 Q Do you have any other post high school education?

19 A No.

20 Q Do you have any specific insurance industry  
21 licenses?

22 A Yes.

23 Q What licenses do you have?

24 A Let me rephrase that. I have -- I'm not sure it's  
25 a license, an FLMI license or a designation and

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1                   ACS. Those are after my name on my card.

2   Q    And what do those designations indicate?

3   A    That I passed a series of tests to understand

4                   insurance and customer service.

5   Q    What does FLMI stand for?

6   A    Fellow Life Management Institute, I think.

7   Q    And you took a test?

8   A    10.

9   Q    10 tests, okay. And you passed all those tests?

10   A   Yes.

11   Q    And that -- and that institute specializes in tests

12                   that relate to life insurance?

13   A    Yes.

14   Q    What about ACS? What does ACS stand for?

15   A    Associate customer service.

16   Q    Did you take tests in connection with that

17                   designation?

18   A    Yes.

19   Q    How many?

20   A    I don't recall.

21   Q    But you passed those tests?

22   A    Yes.

23   Q    You obtained those designations?

24   A    Yes.

25   Q    And what type of study did you undertake for that

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1 designation?

2 A Customer service?

3 Q Yes.

4 A Basics of life insurance, responding to complaints.

5 Q Any other areas?

6 A I can't recall.

7 Q Do you have -- aside from your study for these  
8 particular designations, do you have any other  
9 training with respect to life insurance?

10 A No.

11 Q Do you have on-the-job training?

12 A Yes.

13 Q ~~Were you employed at~~ ~~was Northwestern your first~~  
14 job out of college, or did you have another place  
15 of employment?

16 A I worked for a senator.

17 MR. PESKIN: For what?

18 THE WITNESS: A federal senator.

19 BY MR. SAURACK:

20 Q So Northwestern's your only insurance-related  
21 employment?

22 A Correct.

23 Q Is one of your responsibilities in your current  
24 position to make determinations or make  
25 recommendations concerning whether there's coverage



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1 in particular circumstances?

2 A I give opinion on that.

3 Q So you give coverage opinions to your director?

4 A Yes.

5 And does your director ultimately make the decision  
6 as to whether there's coverage in the cases that  
7 you investigate?

8 A. I don't know that answer.

9 Q Are you involved with files post litigation?

10 A Yes.

11 Q And where are you currently working?

12 A In Northwestern Mutual Franklin campus.

13 Q Where is that?

14 A It's about 17 miles south of here.

15 Q. Do you have any other employees who you supervise?

16 A. No.

17 Q How many investigators work for your director  
18 approximately?

19 A Our team of -- is four.

20 Q Is there a particular region which you work?

21 A I work in the special handling research center.

22 Q And what is that?

23 A That's a team that provides special handling for  
24 customers.

25 Q What does that mean?

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1 A What falls into that category are complaints,  
2 histories that would fall under our microfiche  
3 area, details.

4 Q Is that special handling department within a larger  
5 department?

6 A Yes.

7 Q What's the larger department?

8 A Policy owner services.

9 Q Who's the head of the policy owner services  
10 department?

11 A Travis Pietrykowski.

12 Q Is there any particular geographic area in which  
13 you handle complaints for?

14 A All areas of the United States.

15 Q I'm going to ask the court reporter to mark two  
16 documents. One is a subpoena duces tecum issued  
17 from the Southern District of New York. Another is  
18 a subpoena duces tecum issued out of -- they're  
19 both testificandum as well out of the Eastern  
20 District of Wisconsin. I'll ask the Southern  
21 District one be marked as Exhibit 1 and the  
22 Wisconsin subpoena marked as Exhibit 2.

23 (Exhibits 1-2 were marked for  
24 identification.)

25 MR. GREENE: You can ask Ms. Junemann her

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1 knowledge of these documents but I can represent  
2 that I believe she's only been provided with the  
3 Southern District's opinion.

4 BY MR. SAURACK:

5 Q I'm going to present to you two documents, one  
6 that's been marked as Exhibit Junemann Exhibit 1,  
7 the other is Exhibit 2. And tell me if you  
8 recognize those two documents.

9 A For Exhibit 1, I recognize everything up to the  
10 exhibit.

11 Q ~~Okay.~~

12 A ~~And I don't recognize document 2.~~

13 Q ~~I'm going to mark another document.~~

14 ~~(Exhibit 3 was marked for~~  
15 ~~identification.)~~

16 BY MR. SAURACK:

17 Q I ask you to review that document, and tell me if  
18 you recognize it.

19 Q ~~I do not recall document 3.~~

20 Q Let's go to Exhibit 1, and you said you recognize  
21 the document up to the exhibit, is that right?

22 A Yes.

23 Q What is this document?

24 A It's a subpoena for records.

25 Q And it was issued to Northwestern Mutual Life

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1 Insurance Company, is that right?

2 A Yes.

3 Q Now, I'd ask you to take a look at the fifth page  
4 of the document. Were you involved at all in  
5 locating documents that were responsive to this  
6 subpoena?

7 A No.

8 Q I'd ask you to turn to Schedule B on page 8, and if  
9 you could please review these subjects for  
10 examination, and just tell me which of the subjects  
11 you have knowledge of for purposes of this  
12 deposition.

13 A A, C, D, E, F, G, H, K.

14 MR. GREENE: And let me just indicate on  
15 the record too that as we indicated in our response  
16 to the subpoena, we're providing Ms. Junemann to  
17 testify about particularly H and K but as it's  
18 limited by the response which is to the scope of  
19 the financial representative and questions  
20 authority to accept the change of beneficiary form  
21 on behalf of Northwestern Mutual.

22 So we're not producing Ms. Junemann  
23 to talk about -- to respond to the subject for  
24 examination as it's stated in the subpoena.

25 MR. SAURACK: Okay. For each -- you're

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1 saying for H and K?

2 MR. GREENE: Correct.

3 MR. PESKIN: Except as to H and K; yes?

4 MR. GREENE: We're providing her to  
5 testify in response to H and K as limited by our  
6 response.

7 ~~MR. SAURACK: I understand.~~

8 ~~(Exhibit 4 was marked for  
9 identification.)~~

10 MR. SAURACK: I'd ask the reporter to  
11 mark this as Exhibit 4. It's a replica policy for  
12 David Litt.

13 BY MR. SAURACK:

14 Q Please take a look at this document. Do you  
15 recognize it?

16 A Yes, I do.

17 Q And what is this document?

18 A It's a replication of the policy that was issued  
19 insuring David Litt.

20 Q What's the policy number?

21 A 16579951.

22 Q And who's this policy insuring?

23 A David Litt.

24 Q And who's the owner of this policy? On page 3 I  
25 direct you to. It's towards the bottom of page 3.

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1 A That's normally not where we look.

2 Q Okay.

3 A At the bottom of page 3 it says the owner is David  
4 Litt, the insured.

5 Q And what's the policy date?

6 A October 7, 2003.

7 Q And the total insurance amount?

8 A \$1,411,369.

9 Q And what kind of policy was this?

10 A This is a whole life adjustable policy.

11 Q What does that mean, generally speaking?

12 A It's a mix between permanent and whole life  
13 insurance.

14 Q What does that mean, a mix between whole life and  
15 permanent life insurance?

16 A There's a portion of it -- the basic amount of  
17 \$1,000 is the term portion, and the balance is the  
18 adjustable term. Let me rephrase that. The basic  
19 amount of \$1,000 is the permanent insurance and the  
20 adjustable term portion of 1,411,396 is the  
21 adjustable portion. So the dividends of a policy  
22 over the years will convert part of that 1,411,396  
23 into the permanent basic amount.

24 Q And what's the difference between permanent and the  
25 adjustable part of the policy?

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1 A The permanent amount is considered it can't be  
2 taken away unless you surrender the policy and it's  
3 a whole life piece.

4 Q How about the adjustable part?

5 A The adjustable piece changes every year upon the  
6 anniversary when the dividend is credited. Some  
7 portion of that amount will go into the basic, what  
8 we call, additions, and the other portion will  
9 remain term. That need still needs to be  
10 converted.

11 Q What happens if it's not converted?

12 A It can stay outstanding. If the dividend is less  
13 than it is the year before, it will convert slower.

14 Q This is a replica policy?

15 A Yes.

16 Q What does that mean, replica policy?

17 A It's an exact copy of the physical policy that was  
18 presented to the owner.

19 Q And is this document kept in the regular course of  
20 business at Northwestern?

21 A No.

22 Q It was generated in the regular course of business  
23 at Northwestern?

24 A It's created.

25 Q Who created this document, if you know?

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1 A Jill Markham, I believe.

2 Q And who's she?

3 A She is a member of the special handling research  
4 center.

5 Q And this is an exact copy of the policy that was  
6 presented to the insured?

7 A Yes.

8 Q Are you aware that the insured owner, David Litt,  
9 eventually died?

10 A Yes.

11 Q That was on or about 9/11/2011?

12 A Yes.

13 Q For purposes of your questioning, I will call him  
14 the decedent. Okay?

15 A Yes.

16 (Exhibit 5 was marked for  
17 identification.)

18 BY MR. SAURACK:

19 Q I ask this document be marked as Exhibit 5. Please  
20 take a look at this document, and tell me if you  
21 recognize it.

22 A This is the application for insurance for David  
23 Litt.

24 Q Is this document kept in the regular course of  
25 business at Northwestern?

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1 A It's an electronic version, yes.

2 Q Where is it maintained?

3 A In our records department.

4 Q And according to this application, who did the  
5 decedent direct as his direct beneficiary at the  
6 time of his application?

7 A Steven Litt, his brother.

8 Q ~~Are you aware of whether the decedent was married~~  
9 ~~at the time of his death?~~

10 A I'm unaware of that.

11 MR. SAURACK: Off the record.

12 ~~(Discussion off the record.)~~

13 MR. SAURACK: I ask this to be marked as  
14 Exhibit 6.

15 (Exhibit 6 was marked for  
16 identification.)

17 BY MR. SAURACK:

18 Q Take a look at what's marked as Exhibit 6. Do you  
19 recognize that document?

20 A Yes.

21 Q What is it?

22 A The first page is a bit illegible.

23 Q Okay. Let's flip to the second page.

24 A This is a letter to our life benefits area  
25 regarding David Litt signed by Richard Peskin.

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1 Q And what's attached?

2 A Attached is a form to change the client information  
3 of Mr. Litt.

4 Q So this is a communication from Mr. Peskin about  
5 which he was sending Northwestern a form to attempt  
6 to change the beneficiary on the Litt policy?

7 A I'm not sure what the purpose of it is other than  
8 to show us there was a form.

9 Q And do you know when Northwestern first received  
10 this form that's attached to the letter?

11 A I believe it was September 29, 2011.

12 Q When did you first review this letter and the form?

13 A When I was first asked to be deposed on this event.

14 Q It's your understanding that the completed form  
15 attached to the letter was first received by  
16 Northwestern on September 29, 2011?

17 A It appears that way, yes.

18 Q And if we look -- let's look at the first page of  
19 the forms. This is a change of client information  
20 form, is that correct?

21 A Yes.

22 Q ~~And that's Northeast Litt claim file 122. That's~~  
23 ~~the Bates number, right?~~

24 A ~~I'm sorry?~~

25 Q The Bates number on the document is NE Litt CL file

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1 122?

2 A Yes.

3 Q And if you flip to the next page, this is a  
4 designation of beneficiaries by owner for death  
5 proceeds only form?

6 A Correct.

7 Q That's NE Litt CL file 123?

8 A Yes.

9 Q And that form keeps going to 126, is that right?

10 A Yes.

11 Q Now, if you take a look at 123 -- Bates No. 123, at  
12 the bottom of this document there's a space that  
13 says for home office use. Do you see that space?

14 A Yes.

15 Q And what is that space for?

16 A That's a space for Northwestern Mutual to endorse  
17 this document as part of the record. It's  
18 accepted. It's recorded, and it's endorsed by  
19 Northwestern Mutual.

20 Q And what's the purpose of the endorsement on the  
21 form?

22 A Without the endorsement, the form is not  
23 appropriate to add to the record.

24 Q ~~And is a change of beneficiary accepted prior to~~  
25 ~~being endorsed in the space at the bottom of the~~

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1 form?

2 MR. PESKIN: May I have that read back,  
3 please?

4 (Record read.)

5 THE WITNESS: I don't understand the  
6 question.

7 BY MR. SAURACK:

8 Q I'll rephrase. Does a change of beneficiary amend  
9 a policy?

10 A Yes.

11 Q Is the policy amended before the form is endorsed  
12 by someone at Northwestern in this space at the  
13 bottom of page 123?

14 A When it's accepted, it's endorsed and amended.

15 Q Is the date of the amendment considered the date  
16 that this part of the form is endorsed?

17 A The date of the acceptance is the signature date.

18 Q Is the date of acceptance also the date when the  
19 amendment becomes effective?

20 A We don't get it usually on the date that the form  
21 is signed. So it becomes effective as of the date,  
22 but the process to create the form on the system is  
23 probably a later date.

24 Q It's effective as a date when it's signed but also  
25 has to be signed by someone at Northwestern in this

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1 space?

2 A Yes.

3 Q And if it's not, the change is not effective?

4 A Correct.

5 Q Does Northwestern have a copy of this form that's  
6 been endorsed in this space?

7 A Not on the record.

8 Q And how do you know that?

9 A It's not endorsed. I didn't see it until after the  
10 death.

11 Q Is there any particular person at Northwestern who  
12 has to endorse these forms?

13 A These forms are endorsed by any number of people in  
14 the department called -- a division called  
15 Beneficiary & Title, which does include our team.

16 Q Can you endorse these forms?

17 A Yes.

18 Q ~~Do you have to also stamp the form when you endorse~~  
19 ~~it?~~

20 A No.

21 Q At some point did you have to stamp the form?

22 A In past years, yes.

23 Q When did it become effective that you did not have  
24 to stamp the form, if you recall?

25 A ~~People on our team don't even have a stamp and~~

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1 ~~never did.~~

2 Q So if you received a form like this, you would  
3 endorse it by signing it?

4 A I would, yes.

5 Q You'd also date it?

6 A I would.

7 Q Is there anything else you would do to the form  
8 when you received it?

9 A I'd send it to file.

10 Q Where is it filed?

11 A In record services.

12 Q You also mentioned that it has to be recorded?

13 A Yes.

14 Q What does that mean?

15 A You have to operate a system that records it,  
16 replaces the old beneficiary with the new one.

17 Q And who handles recording it?

18 A The Beneficiary & Title division.

19 Q And how do they record?

20 A They manually type the changes into the system.

21 Q So after you endorse it, you send it to them, and  
22 then they type it into the system?

23 A Usually, yes.

24 Q Is there any other information that's being  
25 included in the bottom of this form before you send

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1 it to the people who are recording it?

2 A No.

3 Q Was this change of beneficiary ever recorded at  
4 Northwestern?

5 A No. For the purposes of clarity, let me just say  
6 ~~that we have eliminated having to endorse these~~  
7 forms as of a certain date.

8 Q When was that?

9 A A recent date, 2010.

10 Q Approximately when in 2010?

11 A I think it was May.

12 Q As of the date that you received this form in or  
13 about September 2011, was it the procedure that you  
14 had to endorse a form?

15 A Yes.

16 MR. PESKIN: In 2011 was the question?

17 MR. SAURACK: Yeah.

18 THE WITNESS: Let me rephrase then.

19 MR. SAURACK: Yeah.

20 THE WITNESS: Yes, in 2011 we eliminated  
21 having to sign the form.

22 BY MR. SAURACK:

23 Q It was May 2011, correct?

24 A May 2010, I believe.

25 Q ~~May 2010 you eliminated the requirement you had to~~

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25

1 sign --

2 A Yes.

3 Q This was received in 2011, correct, this form?

4 A This document was received in 2011, yes.

5 Q Now, I'd ask you to flip to the page Bates 124.

6 A Yes.

7 Q And take a look at subparagraph five for the  
8 additional beneficiary provisions.

9 A Yes.

10 Q That paragraph is entitled Effective Date, correct?

11 Q I'm sorry, paragraph six.

12 A Six, yes.

13 Q And it says, A naming or changing of beneficiary  
14 will be made on receipt at the home office with a  
15 written request that is acceptable to the company.  
16 Correct?

17 A Correct.

18 Q And then it says, The request will then take effect  
19 as of the date it was signed, is that right?

20 A Yes.

21 Q Now, after it's been endorsed by an appropriate  
22 person and recorded, it becomes effective as of the  
23 date when it was signed, is that right?

24 A Correct.

25 Q I ask this be marked as 7.

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1 (Exhibit 7 was marked for  
2 identification.)

3 BY MR. SAURACK:

4 Q I'd ask you to take a look at what's been marked as  
5 Exhibit 7. Can you tell me if you recognize that  
6 document?

7 A Yes.

8 Q What is that document?

9 A It's a facilitator guide for updating  
10 beneficiaries.

11 Q What is that document's purpose?

12 A This is the instructor's manual for a class that's  
13 held on teaching people how to update a  
14 beneficiary.

15 Q At Northwestern?

16 A At Northwestern.

17 Q And is there a particular person who teaches this  
18 class?

19 A Probably.

20 Q Okay. Have you ever attended this class?

21 A No.

22 Q What's your familiarity with this document then?

23 A I produced it for this deposition.

24 Q And have you referred to it on occasion in the  
25 past?

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1 A Yes.

2 Q And is this document created in the ordinary course  
3 of business at Northwestern?

4 A Yes.

5 Q Is it maintained in the ordinary course of business  
6 at Northwestern?

7 A Yes.

8 Q And who is -- who's typically trained per these  
9 materials?

10 A Entry-level customer service representatives.

11 Q Now, if you could take a look at Bates page 29,  
12 okay?

13 A Yes.

14 Q You see the section entitled Endorsement of the  
15 Form?

16 A Yes.

17 Q Now it says, You will have to sign and date the  
18 home office section at the bottom of the form.  
19 This indicates that the form is acceptable, the  
20 designation acceptable, and that we have recorded  
21 it in our records. Is that what it says?

22 A Yes.

23 Q Is this Northwestern's procedure with respect to  
24 the change of beneficiary forms?

25 MR. PESKIN: Objection. At what point in

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1 time?

2 MR. SAURACK: As of the time of this  
3 training in March 2008.

4 THE WITNESS: Yes.

5 BY MR. SAURACK:

6 Q Was that the procedure prior to March 2008?

7 A Yes.

8 Q Was it the procedure between 2005 and 2008?

9 A Yes.

10 Q ~~You said at some point later on, May 2010, the~~  
11 ~~procedure changed, is that right?~~

12 A ~~That's right.~~

13 Q ~~And then it says, To expedite the endorsement, you~~  
14 ~~will receive a stamp with your signature on it and~~  
15 ~~a date stamp also. Do you see that?~~

16 A Yes.

17 Q Is that also consistent with Northwestern's  
18 procedures during the period of 2005 to May 2010?

19 A Yes.

20 Q In fact, those were Northwestern's procedures  
21 during the period of 2005 to May 2010?

22 A Yes.

23 Q And per these procedures, the change of beneficiary  
24 is not effective before it's signed and dated in  
25 the home office section by an appropriate person,

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1                   is that right?

2   A    And accepted, yes.

3   Q    Now, I'd ask you to turn back to Exhibit 6,  
4                   paragraph 10 on Bates page 124. Do you see the  
5                   section --

6   A    General?

7   Q    Yes.

8   A    Yes.

9   Q    If you go down four bullet points it says, If the  
10                  terms of this form require the company to determine  
11                  questions of fact, decisions made by the company  
12                  based on evidence satisfactory to it will be  
13                  conclusive and will fully protect the company. Do  
14                  you see that?

15   A    Yes.

16   Q    What does that provision mean?

17   A    I'm not sure.

18   Q    It says the company can determine questions of  
19                  fact, is that right?

20   A    Yes.

21   Q    And that the company's decisions will be conclusive  
22                  with respect to those determinations?

23   A    Yes.

24   Q    Do you know what areas this provision is applicable  
25                  to?

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1 A One would assume beneficiary provisions.

2 Q So do you know what it means with respect to  
3 beneficiary provisions?

4 A It has to be acceptable to our company to be  
5 approved.

6 Q Who makes the determination as to whether it's  
7 acceptable?

8 A In general, the Beneficiary & Title area.

9 Q ~~In this situation, was there a question of fact as~~  
10 to who the beneficiary in the policy was as you  
11 received Mr. Peskin's letter?

12 A ~~I don't know.~~

13 Q Who's currently listed as the beneficiary for this  
14 policy for Northwestern's records?

15 A His brother.

16 Q ~~Can you take a look at the first page of this form~~  
17 -- Strike that. If you could refer to Bates No.  
18 122 in this exhibit.

19 A Yes.

20 Q This is a change of client information form?

21 A Yes.

22 Q During the period of 2005 to May 2010, was there a  
23 particular form that had to be submitted by an  
24 insured to change beneficiaries on a policy?

25 A Yes.

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1 Q If you flip to the next page, 123, is that the form  
2 that had to be submitted?

3 A Yes.

4 Q If you flip back to 122, was this form an  
5 acceptable form for changing beneficiaries?

6 A This is a form to change client information, not  
7 beneficiaries.

8 Q So if this form was submitted as the change of  
9 beneficiary, would it be acceptable to  
10 Northwestern?

11 A No.

12 Q Now, if you go back to Exhibit 7 and turn to Bates  
13 No. 27. If you look at the second paragraph.

14 A Yes.

15 Q It says, The designation can't be written on a  
16 Post-it note, personalized stationery or on the  
17 back of an envelope. It must be on one of our  
18 forms. Participant page 8 lists all the forms we  
19 will accept to designate a beneficiary.

20 A Yes.

21 Q And was that a policy of Northwestern at the time  
22 that these training procedures were instituted on  
23 March 25, 2008?

24 A Yes.

25 Q Has it been the same policy since 2005?

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1 A Since way before that.

2 Q And if you flip the page, the next page shows forms  
3 which are satisfactory for purposes of changing  
4 beneficiaries?

5 A Yes.

6 Q And if you look at the first form listed as  
7 satisfactory, it's 901197?

8 A Yes.

9 Q And then if you flip back to Exhibit 6, the  
10 document Bates range 123 to 126, is that the 901197  
11 form?

12 A Yes.

13 Q So this form is a satisfactory form, the 901197  
14 form, correct?

15 A That is.

16 Q If you look at Exhibit 6, page -- Bates page 122.

17 A Yes.

18 Q When did Northwestern first receive this page of  
19 the form?

20 A September 29, 2011.

21 Q Are acknowledgment letters currently sent to  
22 beneficiaries after a beneficiary has been changed  
23 on a policy?

24 A In the normal course of a business right now, if  
25 there's been a change to a beneficiary and a

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1       paragraph has to be added to a letter, the  
2       acknowledgment will go to the owner to acknowledge  
3       the new beneficiary designation.

4 Q And has that been the case since 2005 that letters  
5 acknowledging a change of beneficiary were sent to  
6 the owners of a policy?

7 A Since 1998.

8 (Exhibit 8 was marked for  
9 identification.)

10 BY MR. SAURACK:

11 Q I'll ask you to take a look at the documents marked  
12 as Exhibit 8 and tell me if you recognize that  
13 document.

14 A Yes.

15 Q And what is that document?

16 A This is the student's guide for the same Exhibit 7.

17 Q So is this a document that students take with them  
18 as part of their instruction?

19 A Yes.

20 Q And is this -- was this document created in the  
21 ordinary course of business at Northwestern?

22 A Yes

23 Q Is it maintained in the ordinary course of business  
24 at Northwestern?

25  $\lambda$  V<sub>OS</sub>

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1 Q If you turn to page Bates 708 of this document  
2 towards the end.

3 A Yes.

4 Q Is this a form acknowledgment letter for a change  
5 of beneficiary?

6 A Yes.

7 Q This is the form that typically is sent out when a  
8 beneficiaries changed?

9 A Yes.

10 Q Was an acknowledgment letter ever issued with  
11 respect to Mr. Litt's policy?

12 A No.

13 Q You're aware that as a result of Exhibit 6 being  
14 sent to Northwestern, that Northwestern became  
15 aware of a dispute between Steven Litt and Tracy  
16 Copple-Litt over who was the beneficiary in the  
17 policy?

18 A Yes.

19 Q ~~And eventually Northwestern filed an interpleader~~  
20 ~~complaint in New Jersey?~~

21 A Yes.

22 Q Do you understand that ~~complaint~~ was resolved to  
23 the extent it involved Northwestern, is that right?

24 A Yes.

25 Q I'd ask you to turn back to the policy, please.

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1 A Yes.

2 Q And I'd ask you to turn to page 14.

3 A Our page 14?

4 Q It's just page 14 of the policy on the bottom.

5 A Yes.

6 Q Okay. If you look at the section entitled By the  
7 Owner.

8 A Yes.

9 Q Do you see that?

10 A Um-hum.

11 Q On this policy the decedent was the owner, is that  
12 right?

13 A Yes, he was.

14 Q And per this section, the owner can change or may  
15 name and change the beneficiaries of death proceeds  
16 while the insured is living, is that right?

17 A Yes.

18 Q So the decedent could name and change beneficiaries  
19 of death proceeds while he was living, is that  
20 right?

21 A Yes.

22 Q And then the second provision says that, The owner  
23 may name and change the beneficiary of death  
24 proceeds during the first 60 days after the date of  
25 the death of the insured if the insured just before

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1 his death was not the owner. No one may change  
2 this naming of a direct beneficiary during this 60  
3 days. Is that what it says?

4 A Yes.

5 Q In this situation the owner was the insured, is  
6 that right?

7 A That's right.

8 Q Describe for me the circumstances in which an  
9 insured would not be the owner of a policy.

10 A Since 1857 we've had many types of insurance  
11 policies created since that date. In the beginning  
12 the insured was the owner, was the payor. Then  
13 when wives were able to be -- have insurance, they  
14 became owners of their husband's policies, for  
15 example.

16 O And also trusts could be an owner of a policy?

17 A Trusts are owners.

18 Q So in this circumstance did the decedent have the  
19 ability to change the beneficiary after the date of  
20 his death?

21 A No.

22 Q So a change of beneficiary form had to be received  
23 prior to the date of his death?

24 A Yes.

25 MR. PESKIN: Objection.

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1 BY MR. SAURACK:

2 Q Now, if you look at the section of the policy  
3 entitled Effective Date.

4 A Yes.

5 Q It says, A naming or change of beneficiary will be  
6 received at the home office for a written request  
7 that is acceptable to the company.

8 A Yes.

9 Q Is that an accurate statement that the naming or  
10 change of beneficiary had to be received by the  
11 home office to effectuate and change a beneficiary?

12 A If the form is acceptable, yes.

13 Q And is there any particular person or department at  
14 the home office that had to receive the form?

15 A It gets directed to the Beneficiary & Title area.

16 Q And is the provision in 10.2 which says By the  
17 Owner, is that provision consistent with  
18 Northwestern's policies during the period of 2005  
19 to present?

20 A Yes.

21 Q How about the effective date section?

22 A Same.

23 (Exhibit 9 was marked for  
24 identification.)

25

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1 BY MR. SAURACK:

2 Q Please take a look at the document marked as  
3 Exhibit 9. Tell me if you recognize it.

4 A Yes, I recognize this.

5 Q And what is that document?

6 A It's instructions for the field on making changes  
7 to a policy.

8 Q What do you mean by the field?

9 A Anyone not other than the home office.

10 Q And how is this document distributed to the field?

11 A That's unknown to me.

12 Q Is this -- do you know who created this document at  
13 Northwestern?

14 A Yes.

15 Q Who?

16 A I received this from the law department.

17 Q Do you know who in particular at Northwestern  
18 actually drafted this document?

19 A I don't.

20 Q Is it maintained in the ordinary course of business  
21 at Northwestern?

22 A I'm not sure how to answer that.

23 Q Do you know if it was created in the ordinary  
24 course of business at Northwestern?

25 A I'm not sure it was created by Northwestern.

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1 Q Do you know who created it?

2 A No.

3 Q But these are the policies and procedures that were  
4 followed in the field with respect to changing  
5 beneficiaries on policies?

6 A Yes.

7 Q If you'd take a look at 850.

8 A Yes.

9 Q Take a look at Section 1.8.2.1.1, Designated by  
10 Policy Owner.

11 A Yes.

12 Q Do you see that section?

13 A I do.

14 Q Is that section consistent with Northwestern's  
15 policies during the period of 2005 to present  
16 concerning changing beneficiaries on life insurance  
17 policies?

18 A Yes, it is.

19 Q And again it says, Beneficiaries may be designated  
20 by the policy owner who is the insured. Is that  
21 right?

22 A Yes.

23 Q ~~And then, Who is other than the insured during the~~  
24 ~~60-day period following insured's death, right?~~

25 ~~MR. PESKIN: You skipped the second~~

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1 ~~~~~ point.

2 MR. SAURACK: Yeah, but I'm asking a  
3 question regarding these two points.

4 MR. PESKIN: What's the question? I  
5 missed it.

6 MR. SAURACK: I'll rephrase it.

7 BY MR. SAURACK:

8 Q This section says, Beneficiaries may be designated  
9 by the policy owner who is the insured. Right?

10 A Yes.

11 Q Who is other than the insured during the insured's  
12 lifetime, correct?

13 A Yes.

14 Q This includes, for example, a trust?

15 A Yes.

16 Q And then, Who is other than the insured during the  
17 60-day period following the insured's death.

18 Correct?

19 A Yes.

20 Q And that would include a trust, for example,  
21 correct?

22 A Yes.

23 Q And it doesn't say that a beneficiary may be  
24 changed by the insured during the 60-day period  
25 after the insured's death, correct?

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1 ~~A~~ Say that again.

2 Q It doesn't say that beneficiaries may be designated  
3 by the policy owner, ~~by the insured~~ during the  
4 60-day period following the insured's death?

5 ~~A~~ If the insured is not the owner, it can be.

6 Q If the insured is the owner, then the change in  
7 designation has to be made while the insured is  
8 alive, correct?

9 A Correct.

10 Q And this policy is consistent with that?

11 A Yes.

12 Q Here the home office did not receive a request to  
13 change the beneficiary on the policy until after  
14 the decedent's death, correct?

15 A Correct.

16 Q And it first received the change of beneficiary  
17 form when it was forwarded to Northwestern by  
18 Mr. Peskin in September 2011?

19 A Correct.

20 Q And to this date, Northwestern recognizes Steven  
21 Litt as the beneficiary on the policy?

22 A Correct.

23 Q But has not paid the proceeds of the policy because  
24 this dispute arose?

25 A Yes.

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1 Q Where is the home office located?

2 A 720 East Wisconsin Avenue.

3 Q In what city?

4 A Milwaukee, Wisconsin 53201.

5 Q Has it been located there since 2005?

6 A Yes.

7 Q Is there any particular means by which change of  
8 beneficiary forms had to be sent to Northwestern  
9 during the period of 2005 to the present?

10 A I don't understand the question.

11 Q Is there a dedicated fax number? Is there some  
12 procedure by which these forms are supposed to be  
13 sent to Northwestern?

14 A They can be sent to Northwestern in many different  
15 ways, by e-mail, by fax, by mail, through the  
16 agent's office.

17 Q And once they're sent by the insured or the agent,  
18 what department are they routed to?

19 A Beneficiary & Title.

20 MR. GREENE: Can we go off the record for  
21 a second?

22 MR. SAURACK: Sure.

23 (Discussion off the record.)

24 BY MR. SAURACK:

25 Q With respect to Exhibit 1 and the topic areas that

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1 you informed us that you had knowledge of earlier,  
2 you're the witness designated by Northwestern as a  
3 person with knowledge concerning these topic areas?

4 A Yes.

5 Q And you're testifying on behalf of Northwestern in  
6 that capacity?

7 A Yes.

8 Q Let's take a look at Exhibit 9.

9 A Yes.

10 Q And I ask you to turn to Bates page 852.

11 A Yes.

12 Q This section is entitled Change of Beneficiary on  
13 Inforce Policies, is that correct?

14 A Yes.

15 Q And does this section indicate where beneficiary  
16 designations by owners should be sent to?

17 A Yes.

18 Q Where is that?

19 A Policy Owner Services Department, Beneficiary &  
20 Title division.

21 Q And does this include change of beneficiaries by  
22 the owner?

23 A Yes.

24 Q Do the individuals who accept the change of  
25 beneficiary forms at Northwestern have any

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1 discretion to accept forms different than those  
2 prescribed in the instructions that you testified  
3 about earlier?

4 A Not usually.

5 Q So the home office typically only will accept  
6 designation of beneficiaries by owner for death  
7 proceeds only forms?

8 A Yes.

9 Q And that's during the period 2005 to present?

10 A Yes.

11 Q And the written request to change a beneficiary has  
12 to be acceptable to the home office?

13 A Yes.

14 Q I'd ask you to turn back to the policy, Section  
15 1.2. That's Exhibit 4. I'd ask you to turn to  
16 page 5, Section 1.2.

17 A Yes.

18 Q Now, it states here if you go to the third line, A  
19 change in the policy is valid only if it is  
20 approved by an officer of the company.

21 Is that an accurate statement during  
22 the period of 2005 to present?

23 A I'm not sure of the scope of that 1.2 entire  
24 contract changes. We have something called policy  
25 changes in which someone can decrease their death

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1                   benefit or pay off a loan. Those would be  
2                   considered changes as well.

3   Q   Would a change of beneficiary be considered a  
4                   change on the subsection?

5   A   I believe it would be.

6   Q   Do you see the sentence, No agent has the authority  
7                   to change the policy or to waive any of its terms?

8   A   Yes.

9   Q   Does that also apply to changes of beneficiary?

10   A   Yes.

11   Q   What does that sentence mean, No agent has  
12                   authority to change the policy or to waive any of  
13                   its terms?

14   A   An agent can't receive a document of a beneficiary  
15                   form and process it in their office. It has to be  
16                   sent to the home office.

17   Q   And the home office has to process it?

18   A   And approve it.

19   Q   And it doesn't become effective until the home  
20                   office approves it?

21   A   Correct.

22   Q   Does this mean that an agent cannot change the  
23                   beneficiary on a contract by him or herself?

24   A   Correct.

25   Q   And what's the purpose for this provision?

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1 A Probably to protect the company from agents not  
2 understanding the proper method to analyze a  
3 beneficiary form.

4 ~~MR. GREENE: Gail, I'll just caution you~~  
5 not to guess or speculate. If you know, certainly  
6 testify to your knowledge, but try and limit it to  
7 what your personal knowledge is.

8 BY MR. SAURACK:

9 Q Do agents receive change of beneficiary training by  
10 Northwestern?

11 A Not to my knowledge.

12 Q Are you familiar with an individual by the name of  
13 Gil Elmaleh?

14 A ~~I'm sorry?~~

15 Q Are you familiar with an individual by the name of  
16 Gil Elmaleh?

17 A Personally, no.

18 Q Are you familiar with him in the context of this  
19 litigation?

20 A Yes.

21 Q And who is he with respect to the policy?

22 A He was the servicing agent at one point in time.

23 Q And your attorney gave us a document earlier that  
24 I'd ask to have marked as Exhibit 10.

25 (Exhibit 10 was marked for

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1 identification.)

2 BY MR. SAURACK:

3 Q I'd ask you to take a look at that document and  
4 tell me what it is.

5 A It's a summary of what financial representative was  
6 assigned to this contract.

7 Q Okay. And so far as Mr. Elmaleh, does it indicate  
8 when he was the servicing agent on the policy?

9 A Yes.

10 Q And what does it indicate?

11 A From October 12, 2005 until he left Northwestern  
12 Mutual on February 1, 2012.

13 Q And during that period he was a servicing agent on  
14 the contract?

15 A Yes.

16 Q Who created this document?

17 A Jill Markham.

18 Q And what's her position with Northwestern?

19 A She's in the special handling research center.

20 Q And does she report to you?

21 A No.

22 Q Did you instruct her to make this chart?

23 A Yes.

24 Q And the purpose of this chart is to refresh your  
25 recollection concerning when Mr. Elmaleh was the

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1 servicing agent on the policy?

2 A Correct.

3 Q And this chart was created by reference to  
4 Northwestern's records?

5 A Yes.

6 Q And do you know which records were referred to?

7 MR. PESKIN: Which records what?

8 MR. SAURACK: Were referred to.

9 THE WITNESS: It started with the  
10 application record and then a history to determine  
11 when the financial representative number changed.

12 BY MR. SAURACK:

13 Q Did Mr. Elmaleh during the period in which he was a  
14 servicing agent have the power or authority to  
15 change the beneficiary on the policy?

16 A No.

17 Q If he received a change of beneficiary form, he was  
18 supposed to send that to the home office?

19 A Correct.

20 Q And the home office would review it and determine  
21 whether approval was appropriate?

22 A Yes.

23 Q In general, do special soliciting agents have any  
24 power to change beneficiaries on policies?

25 A No agents can change a beneficiary.

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1 Q What is a writing agent in the context of a  
2 Northwestern life insurance policy?

3 A That's the person that sold the insurance.

4 Q And Mr. Elmaleh was not that person who sold the  
5 insurance in this case?

6 A He was not that person.

7 Q If you look at Exhibit 10, does that indicate who  
8 sold the insurance?

9 A It was co-sold by Mr. Rhodes and Ms. Wexler.

10 Q For his work as a servicing agent, did Mr. Elmaleh  
11 receive any compensation?

12 A Unknown to me.

13 Q Typically do service agents get compensated if  
14 they're also not the writing agent?

15 A I don't know.

16 Q What is a general agent in the context of  
17 Northwestern life insurance policies?

18 A A general agent would be the person who hired the  
19 agents.

20 Q So a general agent would hire a servicing agent,  
21 for example?

22 A Yes.

23 Q Does a general agent have authority to change  
24 beneficiaries on life insurance policies?

25 A No.

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1 Relationship?

2 A Yes.

3 Q And it says, General agent shall be an independent  
4 contractor. Nothing herein should be construed to  
5 create the relation of employer and employee  
6 between the company and a general agent. Do you  
7 see that?

8 A Yes.

9 Q Is that sentence consistent with Northwestern's  
10 policies and procedures through the period of 2005  
11 to present?

12 A I don't know.

13 MR. GREENE: And I just want to clarify  
14 for the record that we're not producing  
15 Ms. Junemann to talk about this topic area.

16 MR. SAURACK: Okay. Let's go off the  
17 record.

18 (Discussion off the record.)

19 BY MR. SAURACK:

20 Q I'd ask you to turn back to Exhibit 8. Go to Bates  
21 page 625. Do you see the section that's entitled  
22 Recording the Form?

23 A Yes.

24 Q And in the last line it says, By signing the form  
25 in the legal capacity, the policy owner authorizes

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1                   the transaction and confirms they understand that  
2                   the provisions on the form have become a part of  
3                   the policy contract. Do you see that?

4   A   Yes.

5   Q   And is that statement consistent with  
6                   Northwestern's policies and procedures during the  
7                   period of 2005 to the present?

8   A   Yes.

9   Q   And that statement indicates that changes of  
10                  beneficiaries become part of a policy contract  
11                  after they've been recorded and accepted by  
12                  Northwestern, is that correct?

13   A   Yes.

14   Q   If you look at the policy again, Exhibit 4. Do you  
15                  see on page 3 it says, Direct beneficiary, Steven  
16                  Litt, brother of the insured? Do you see that?

17   A   Yes.

18   Q   Do you see David M. Litt, the insured?

19   A   Yes.

20   Q   Are those two designations part of the policy?

21   A   Yes.

22   Q   If those were changed, it would be an amendment to  
23                  the policy?

24   A   Yes.

25   Q   Do you have knowledge of whether special servicing

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1       agents are typically independent contractors  
2       working for Northwestern general agents?

3       A    That's my understanding, yes.

4       Q    Is your understanding whether their ability -- do  
5       you have an understanding whether their authority  
6       to act on behalf of Northwestern is limited per the  
7       terms of their contract or their general agents?

8       A    Yes.

9       Q    And what types of tasks do special servicing agents  
10      typically perform in their relationship with an  
11      insured?

12      A    Servicing agents can change addresses, dividend  
13      options, payment facilities.

14      Q    Any other items?

15      A    I can't think of the whole list.

16                    MR. GREENE: And we're just speaking in  
17      relationship to a life insurance policy, correct?

18                    MR. SAURACK: Yes.

19                    (Exhibit 12 was marked for  
20      identification.)

21      BY MR. SAURACK:

22      Q    I'd ask you to review a series of documents that  
23      have been marked as Exhibit 12, and tell me if you  
24      recognize those documents.

25      A    These are unfamiliar to me.

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1 Q Just for the record, what are these documents?  
2 A Full-time special or soliciting agent's contract.  
3 Q And I'd just ask you to take a look at paragraph  
4 five --  
5 A Yes.  
6 Q -- of the page Bates 56, okay?  
7 A Yes.  
8 Q Are you there?  
9 A Um-hum.  
10 Q It says, Alteration of policies. It says, Agent  
11 shall have no power personally or on behalf of the  
12 company or first party, to waive any forfeiture or  
13 to alter or discharge or waive any of the terms and  
14 conditions of any policy or contract. Do you see  
15 that?  
16 A Yes.  
17 Q Is that statement consistent with Northwestern's  
18 policies during the period of 2005 to the present?  
19 A I believe so.  
20 Q And then if you go back to Exhibit 11, you see  
21 paragraph five on the page Bates stamped 866?  
22 A Yes.  
23 Q It says, Alteration of Policies: GA shall have no  
24 power personally or on behalf of the company to  
25 waive any forfeiture or to alter or discharge or

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1 waive any of the terms and conditions of any policy  
2 or contract. Is that what it says?

3 A Yes.

4 Q Is that statement consistent with Northwestern's  
5 policies and procedures during the period of 2005  
6 to the present?

7 A I believe so.

8 (Exhibit 13 was marked for  
9 identification.)

10 BY MR. SAURACK:

11 Q I'd ask you to take a look at this document, and  
12 tell me if you recognize it.

13 MR. GREENE: Make sure you look at both  
14 pages.

15 MR. SAURACK: There's an attachment?  
16 Actually, I'd like to separate the second page and  
17 just have the first page marked. I'll mark that  
18 separately, the second page.

19 BY MR. SAURACK:

20 Q I'd ask you to take a look at the document Bates  
21 No. 848 marked as 13.

22 A Yes.

23 Q I'd ask you to read Section 1.5.1.1 to yourself.

24 A Yes.

25 Q It says, Financial representatives have no

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1 authority to modify or extend provisions of any  
2 policy and are not to assume that noncontractual  
3 changes will be made. Is that right?

4 A Yes.

5 Q And what does that provision mean?

6 A They can't modify a policy's provisions.

7 Q ~~And when it says financial representatives, is it~~  
8 ~~also referring to soliciting agents and general~~  
9 ~~agents?~~

10 A I'm not sure.

11 Q ~~What is this document?~~

12 A ~~I'm not sure.~~

13 Q Have you ever seen this document before?

14 A It was produced by law, I believe.

15 Q So you've never seen this document before?

16 A I may have.

17 Q 1.5.1.1 is a paragraph that's consistent with  
18 Northwestern's policies and procedures in place  
19 during the period of 2005 to the present?

20 A Yes.

21 Q Do you have any knowledge as to whether Mr. Elmaleh  
22 was a financial representative while he was  
23 servicing the Litt insurance policy?

24 A Yes.

25 Q And was he?

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1 A Yes.

2 Q Per this policy he had no authority to modify or  
3 extend provisions of the Litt policy?

4 A Yes.

5 Q He wasn't to assume that noncontractual changes  
6 would be made?

7 MR. PESKIN: Objection.

8 MR. SAURACK: You can answer.

9 THE WITNESS: Yes.

10 BY MR. SAURACK:

11 Q During the period of 2005 to present, were there  
12 any policies in place at Northwestern on changing  
13 servicing agents with respect to life insurance  
14 policies?

15 A As to how they are changed?

16 Q Correct.

17 A Not to my knowledge.

18 Q Do you know by what methods a servicing agent can  
19 be changed during this period?

20 A The number of methods.

21 Q Could you please tell us what those methods are?

22 A A customer can call in, write in, send something to  
23 their financial representative and ask to have a  
24 new one. Their office can call the home office and  
25 ask us to change a servicing or writing agent.

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1 Q Does -- what's a block transfer form?

2 A It's a form to remove a financial representative of  
3 record and assign another one.

4 Q Does that form have to be submitted to change a  
5 soliciting agent?

6 A A soliciting or writing agent, yes.

7 Q How about to change or name a soliciting agent?

8 A A servicing agent, not necessarily.

9 Q So to change a writing agent, you'd have to have a  
10 block transfer form?

11 A Yes.

12 Q ~~And was, to your knowledge, Mr. Elmaleh ever made~~  
13 ~~the writing agent on this policy?~~

14 A Yes.

15 Q When was that?

16 MR. GREENE: I'm sorry, was the question  
17 a writing agent?

18 MR. SAURACK: Yeah.

19 THE WITNESS: Would you ask the question  
20 again?

21 MR. SAURACK: Sure.

22 BY MR. SAURACK:

23 Q Was Mr. Elmaleh ever made a writing agent on this  
24 policy?

25 A No.

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1 Q So at all times he was a servicing agent?

2 A Yes.

3 Q And a block transfer form did not have to be  
4 submitted to make him a servicing agent?

5 A Correct.

6 Q And do you know by what method Mr. Elmaleh was made  
7 servicing agent on this policy?

8 A A home office employee changed it.

9 Q ~~And do you know how that request was made to that~~  
10 ~~representative to change the servicing agent to~~  
11 Mr. Elmaleh?

12 A ~~I don't know~~

13 Q But a block transfer form did not have to be  
14 submitted to make that change?

15 A Correct.

16 Q And changing a servicing agent can be made by  
17 verbal instruction?

18 A Yes.

19 Q Does it have to be by any particular person?

20 A No.

21 Q Do you know whether Northwestern has any writing  
22 that effectuated Mr. Elmaleh's appointment of  
23 servicing agent on this policy?

24 A No.

25 (Exhibit 14 was marked for